



222 Delaware Avenue • Suite 900
P.O. Box 25130 • Wilmington, DE 19899
Zip Code For Deliveries 19801

Writer's Direct Access:
(302) 429-4208
Email: rkirk@bayardlaw.com

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The Honorable Joel Schneider
United States District Court for the District of New Jersey
Mitchell H. Cohen Building and U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, New Jersey 08101

Re: *Sciele Pharma. Inc. et al. v. Lupin Ltd. et al.*, C.A. No. 09-037-RBK-JS

Dear Judge Schneider:

Together with Kelley Drye & Warren LLP and Sterns and Weinroth PC, we represent the Lupin Defendants in the above-captioned action. We write to inform the Court and the other parties that non-party witness Dr. Raman Batheja has informed us that he is available for his deposition in India on March 11, 2013, and that he is not able to come to the United States for a deposition before March 15. Enclosed is a declaration sworn to by Beth D. Jacob of Kelley Drye & Warren LLP, explaining for the Court in more detail Lupin's efforts to obtain deposition dates from Dr. Batheja and why Lupin is not able to comply fully with the Court's order to provide a date for Dr. Batheja's deposition before March 15. Although the order did not specify that the date should be for a deposition in the United States, we are aware that the parties had agreed that Dr. Batheja would come to New York. As discussed in the enclosed declaration, Dr. Batheja has informed Lupin that due to commitments and requirements at work, he cannot give a date for a trip to New York in March.

Respectfully Submitted,

/s/ Richard D. Kirk

Richard D. Kirk (No. 0922)

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Enclosures
cc: Counsel of Record

